Box 1319

990

DRAFT OF AN ACT TO ESTABLISH THE OFFICE OF MEDICAL EXAMINER, PRESENTED TO THE GENERAL ASSEMBLY OF RHODE ISLAND AT THE MAY SESSION, A. D. 1883.

NOV 3 1883 PUBLIC HEALTH OF HYGIENE

AN ACT to establish the office of Medical Examiner and prescribe the duties thereof.

It is enacted by the General Assembly as follows:

SECTION 1. The office of coroner is hereby abolished.

SEC. 2. The General Assembly, in general committee, shall elect for each county able and discreet men, learned in the science of medicine, who shall be between the ages of twenty-five and forty-five, to be medical examiners.

SEC. 3. The medical examiners to be elected as provided in the preceding section, shall be as follows:

For the county of Bristol, two examiners.
" " " " Kent, three "
" " " " Newport, three "
" " " " Providence, six "
" " " " Washington, four "

SEC. 4. If any of the medical examiners shall, at any time, from any cause, be unable to perform the duties of their said office, a medical examiner from an adjoining district may be called on to perform them.

SEC. 5. Said medical examiners shall hold their offices for a term of five years from the time of their respective appointments, but shall be liable to removal from office at any time from cause shown.

SEC. 6. Each medical examiner shall, before entering upon the duties of his office, be sworn and give bond

with sureties to the State treasurer in the sum of one thousand dollars, for the faithful performing of such duties. If he fails to give such bond for thirty days after his election, such election shall be void.

SEC. 7. If the condition of any such bond is broken to the injury of any person, the officer who gave it shall be liable to removal from his office and be subject to like penalties as sheriffs in like cases, and actions may be brought upon such bonds in like manner as upon the official bonds of sheriffs.

SEC. 8. Each medical examiner shall receive fees as follows: For a view without an autopsy, four dollars; for a view and autopsy, thirty dollars; for each copy of the record of an autopsy, one dollar for the first hundred words or fraction of a hundred, and twenty cents for each additional hundred or fraction of a hundred. The necessary expenses for postage, stationery, and travel incurred by the medical examiner in discharging the duties of his office shall also be paid by the State.

SEC. 9. Medical examiners shall make examinations as hereinafter provided, upon the view of the dead bodies of such persons only as are supposed to have come to their death by illegal means, or without the recent attendance of a physician in good standing.

SEC. 10. When a medical examiner has notice that there has been found, or is lying within his county, the dead body of a person (the term person also including prematurely born children) who have come to death by supposed illegal means, or without the recent attendance of a physician in good standing, he shall forthwith repair to the place where such body lies and take charge of the same; and if, on view thereof, and personal inquiry into the cause and manner of death, he deem a fur-

ther examination necessary, he shall, upon being thereto authorized in writing by the district attorney, mayor or selectmen of the district, city or town, where such body lies, make an autopsy in the presence of two or more discreet persons, one of whom shall be a physician, whose attendance he may compel by subpœna, if necessary, and shall then and there carefully reduce or cause to be reduced to writing any fact and circumstance tending to show the condition of the body, and the cause and manner of death, together with the names and addresses of said witnesses, which record he shall subscribe. Before making such autopsy he shall call the attention of the witnesses to the position and appearance of the body. By the term autopsy is to be understood the inspection and examination of any or all of the internal organs.

SEC. 11. The physician summoned to witness the autopsy shall also subscribe the record made by the medical examiner. The necessary expense incurred by him shall be paid by the State and he shall receive a compensation of four dollars.

SEC. 12. If upon such view, personal inquiry or autopsy the medical examiner is of the opinion that the death was caused by illegal means, he shall at once notify the attorney general of the State, and the trial justice of the town or city where the body was found, or in which it lies, and shall file a duly attested copy of the record of his autopsy with such trial justice, and a like copy with the attorney-general; and shall, in all cases, certify to the town or city clerk having the custody of the records of births, marriages and deaths in the city or town in which the deceased came to his death, the name and residence of the person deceased, if known, or when the name and

residence cannot be ascertained, a description of the deceased, as full as possibly may be, for identification, together with the cause and manner by and in which he came to his death.

SEC. 13. The said trial justice shall thereupon hold an inquest which may be private, in which case any or all persons other than those required to be present by the provisions of this chapter, may be excluded from the place where such inquest is held; and such trial justice may also admit the witnesses to be kept separate so that they cannot converse with each other until they have been examined. The attorney-general or some person designated by him may attend the inquest and examine all witnesses. An inquest shall be held in all cases of death by accident upon a railroad, and the attorney-general may, if he deem it necessary or expedient, direct an inquest to be held in the case of any other casualty from which the death of a person results.

SEC. 14. The said trial justice or attorney-general may issue subpœnas for witnesses retainable before such trial justice. The persons served with such process shall be allowed the same fees, their attendance may be enforced in the same manner, and they shall be subject to the same penalties as if served with a subpœna in behalf of the State in a criminal prosecution pending before such (court or) trial justice.

SEC. 15. The said trial justice shall, after hearing the testimony, draw up and sign a report, in which he shall find and certify when, where and by what means the person deceased came to his death, his name, if known, and all material circumstances attending his death; and if it appears that his death resulted wholly or in part from the unlawful act of any other person or persons,

he shall further state the name or names of such person or persons, if known to him, and he shall file such report with the records of the supreme court in the county wherein the inquest is held.

SEC. 16. If said trial justice finds that murder, manslaughter or an assault has been committed, he may bind over, as in criminal prosecutions, such witnesses as he deems necessary, or as the attorney-general may designate, to appear and testify at the court in which an indictment for such offence may be found or presented.

SEC. 17. If the person charged by the report with the commission of an offence is not in custody, the said trial justice shall forthwith issue process for his apprehension, and such process shall be made returnable before any court or magistrate having jurisdiction in the premises, who shall proceed therein in the manner required by law, but nothing shall prevent any justice issuing such process before the finding of such report, if it is otherwise lawful to issue the same.

SEC. 18. If a medical examiner reports that a death was not caused by illegal means, and the attorney general is of contrary opinion, the attorney general may, notwithstanding such report, request an inquest to be held in accordance with the provisions of this chapter, at which inquest he, or some other person designated by him, shall examine all the witnesses.

SEC 19. The medical examiner may, if he deem it necessary, employ a chemist to aid in the examination of the body or of substances supposed to have caused or contributed to the death, and such chemist shall be entitled to such compensation for his services as the medical examiner certifies to be just and reasonable; the same

being audited and allowed in the manner hereinafter provided.

SEC. 20. When a medical examiner views or makes an examination of the dead body of a stranger without visible means, he shall cause the body to be decently buried, and if he certifies that he has made careful inquiry and that to the best of his knowledge and belief the person found dead is a stranger, having no settlement in any city or town of this State, his fees, with the actual expense of burial, shall be paid from the treasury of the State. In all other cases the expense of the burial shall be paid by the city or town wherein the body is found.

SEC. 21. When services are rendered in bringing to land the dead body of a person found in any of the harbors, rivers or waters of the State, the medical examiner may allow such compensation for such services as he deems reasonable, but this provision shall not entitle any person to compensation for services rendered in searching for a dead body.

SEC. 22. In all cases arising under the provisions of this chapter, the medical examiner shall take charge of any money or other personal property of the deceased, found upon or near the body, and shall deliver the same to the trial justice, if an inquest is deemed necessary; otherwise, he shall deliver it to the person or persons entitled to its custody or possession, or if not claimed by such person within sixty days, then to an administrator to be administered upon according to law.

SEC. 23. A medical examiner who fraudulently neglects or refuses to deliver any such property within three days, after due demand upon him therefor, shall be punished by imprisonment in the jail or house of correction not

exceeding two years, or by a fine not exceeding five hundred dollars.

SEC. 24. Every medical examiner shall return an account of the expenses of each view or autopsy including his fees, to the State auditor, and shall annex to his return the written authority under which the autopsy was made. The State auditor shall audit such account and certify to the treasurer of the State what items in such account are deemed just and reasonable, and such items shall be paid by said treasurer to the persons entitled to receive the same.

SEC. 25. The fees for trial justices for the services specified in this chapter shall be as follows, namely: for receiving and filing a duly attested copy of the record of an autopsy, fifty cents; for each subpœna issued, ten cents; for each day's attendance in holding the inquest five dollars; for the recognizance of witnesses, twenty cents; and for drawing up and filing a report in superior court, five dollars. The said fees, having been audited by the attorney general, shall be paid by the state treasurer.

SEC. 26. Chapter 250 of the Public Statutes, entitled, "Of Coroners and their Inquests," and all acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect from and after its passage.

To the Honorable the General Assembly of the State of Rhode Island.

The undersigned, physicians of the city of Newport, in said State, respectfully petition, in behalf of the Newport Medical Society, that the draft of an act pertaining to the establishment of medical examiners, presented by said society, be enacted law by the General Assembly.

Signed,

H. R. STORER,
President.

W. D. McKINN,
Secretary.

Newport, May 28th, 1883.